



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels, Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

March 15, 2010

VIA CERTIFIED MAIL

7002 0510 0002 7964 5543

Mr. Don Foertsch  
Little Sandy Coal Company, Inc.  
P.O. Box 16  
Lamar, Indiana 47550

Dear Mr. Foertsch:

Re: Modification Request for  
NPDES General Permit No. ING040220  
IDNR Permit No. S-0356  
Little Sandy Coal Company, Inc. - Hilsmeier Mine  
1 ½ miles northwest of Holland along Old State Road 64  
Holland, Indiana  
Pike and Dubois Counties

Your NPDES permit application submittal dated November 23, 2009, to request modification of the above-referenced permit, has been reviewed. The submittal requested the removal of Outfall 005, 006, 007, 008, 009, and 010, from the permit, as they had never been built. It went on to state that they never would be built, as Little Sandy Coal Company has lost the land leases on the property where they were to be located. The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville, Indiana that the stated outfalls were never constructed. Therefore your petition to delete the referenced existing NPDES discharge points has been approved in accordance with Indiana Rules promulgated under 327 IAC 15-7. All outfalls listed in the first table of Attachment 1 to this correspondence will now be included for coverage at this site.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

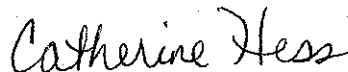
These modifications shall become effective on April 1, 2010, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on October 31, 2011. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

Slj/

cc: Dubois County Health Department  
Pike County Health Department

# ATTACHMENT 1

## Little Sandy Coal Company, Inc. – Hilsmeier Mine

NPDES PERMIT NO. ING040220

IDNR PERMIT NOS. S-0356

EFFECTIVE DATE: **April 1, 2010**

### OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	S-0356 001	38°, 15', 47"	87°, 04', 22"	Undetermined	Tributary to Sugar Creek
002	S-0356 002	38°, 16', 05"	87°, 03', 55"	Undetermined	Tributary to Sugar Creek
003	S-0356 003	38°, 15', 52"	87°, 05', 14"	Undetermined	Tributary to Cup Creek
004	S-0356 004	38°, 15', 49"	87°, 05', 04"	Undetermined	Tributary to Cup Creek
011	S-0356 011	38°, 16', 20"	87°, 04', 07"	Undetermined	Tributary to Sugar Creek
012	S-0356 012	38°, 16', 21"	87°, 04', 29"	Undetermined	Tributary to Rock Creek
013	S-0356 013	38°, 16', 28"	87°, 04', 33"	Undetermined	Tributary to Rock Creek
014	S-0356 014	38°, 16', 38"	87°, 04', 40"	Undetermined	Tributary to Rock Creek
015	S-0356 015	38°, 16', 40"	87°, 05', 04"	Undetermined	Tributary to Rock Creek

The following outfalls have been removed and are no longer covered under this permit:

005	S-0356 005			Never constructed	
006	S-0356 006			Never constructed	

007	S-0356 007			Never constructed	
008	S-0356 008			Never constructed	
009	S-0356 009			Never constructed	
010	S-0356 010			Never constructed	

STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 3D -GP

DATE OF NOTICE: March 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

**MODIFICATION**

**LITTLE SANDY COAL COMPANY, INC. – HILSMEYER MINE**, Permit No. ING040220, CLAY & DUBOIS COUNTIES, Holland, IN. This facility will discharge non-process wastewater from a coal mining, processing and reclamation site. This modification is being issued because the company is removing 6 Outfalls that were never constructed. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

**PROCEDURES TO APPEAL**

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

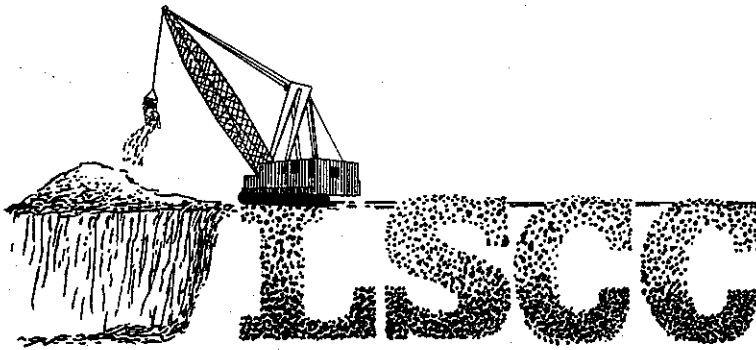
If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:  
**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC – North Building- Rm 501  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.





IDEM  
OFFICE OF  
WATER QUALITY  
2009 NOV 25 A 11:59

November 23, 2009

IDEM, Office of Water Quality  
ATTN: Sheri Jordan  
Mail Code 65-42  
100 North Senate Ave.  
Indianapolis, IN 46204-2251

RE: NOI Letter for **modification** of NPDES-General Permit Rule; **ING040220**  
**Hilsmeyer Mine, Pike/Dubois Counties, Indiana**

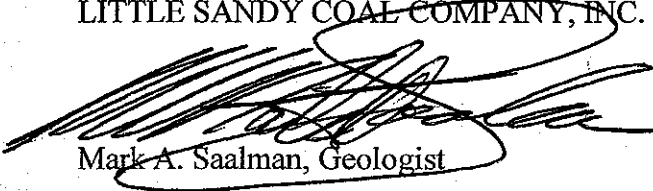
Dear Ms. Jordan,

Little Sandy Coal Company, Inc. herewith submits the NOI **Modification** Letter to delete basins **005,006,007,008,009,010** from the above permit. A \$50 check (#37829) is included for the modification fee.

If you have any questions, please call.

Thank you,

LITTLE SANDY COAL COMPANY, INC.



Mark A. Saalman, Geologist

Enclosure

MS/mas  
420

cc: DOR, Quentin Mangum

**Little Sandy Coal Company, Inc.**



Indiana Department of Environmental Management  
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application  
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

NOV 25 2 10 PM '09  
IDEM - DEPT. OF ENVIRONMENTAL MANAGEMENT  
RECEIVABLES UNIT  
NOV 25 2 10 PM '09

I. PURPOSE OF SUBMITTAL				
Please check one box. Also provide existing permit number and reason for modification, if applicable. You may attach additional sheets, if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	EX. MODIFICATION WHAT IS CHANGING
		X	ING 040220	Delete basins 005,006,007,008,009,010

II. GENERAL INFORMATION						
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete optional sections c, d, e, f, g, h, and i, if applicable. A check box is not applicable as they apply to the facility that the permit is to apply to.						
a. APPLICANT NAME (TO THE ATTENTION OF)		c. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER
Mark A. Saalman		1221		Pike & Dubois		S-00356
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				e. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER		
COMPANY NAME				Latitude		Longitude
Little Sandy Coal Company, Inc.						
STREET ADDRESS				degree	minute	second
P.O. Box 16				38°	16'	11''
CITY		STATE	ZIP CODE	degree	minute	Second
Lamar		IN	47550	87°	04'	41''
c. FACILITY NAME				f. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION		
Hilsmeyer Mine				Township	Range	Section
				3S	6W	5&8
d. FACILITY MAILING ADDRESS				i. FACILITY PHYSICAL LOCATION (IF DIFFERENT FROM H)		
STREET ADDRESS				STREET ADDRESS		
P.O. Box 16				Old St. Rd. 62		
CITY		STATE	ZIP CODE	CITY	STATE	ZIP CODE
Lamar		IN	47550	Holland	IN	47541

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
The person who is responsible for the operation of the facility or alternate person who is authorized, in writing, by the responsible person to carry out any responsibility that may be required under the permit. The responsible person is the owner, operator, or other person who is responsible for the facility. The alternate person is the person who is authorized to carry out any responsibility that may be required under the permit. The responsible person is the owner, operator, or other person who is responsible for the facility. The alternate person is the person who is authorized to carry out any responsibility that may be required under the permit.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
David R. Foertsch, Vice President	Mark A. Saalman
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
812-529-8216	812-529-8216
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
N/A	N/A

IDEM - AR  
PAID



IV. CONTACT INFORMATION (OTHER)			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> Little Sandy Coal Co. Mark A. Saalman	
a. <u>CONTACT TELEPHONE NUMBER</u> 812-529-8216	d. <u>STREET ADDRESS</u> P.O. Box 16		
b. <u>CONTACT EMAIL ADDRESS</u> N/A	e. <u>CITY</u> Lamar	f. <u>STATE</u> IN	g. <u>ZIP CODE</u> 47550
ANNOUNCEMENT ADDRESS CONTACT AND MAILING INFORMATION		i. <u>COMPANY AND CONTACT PERSON NAME</u> Little Sandy Coal Co. Mark A. Saalman	
h. <u>CONTACT TELEPHONE NUMBER</u> 812-529-8216	k. <u>STREET ADDRESS</u> P.O. Box 16		
i. <u>CONTACT EMAIL ADDRESS</u> N/A	l. <u>CITY</u> Lamar	m. <u>STATE</u> IN	n. <u>ZIP CODE</u> 47550
ANNOUNCEMENT ADDRESS CONTACT AND MAILING INFORMATION		q. <u>COMPANY AND CONTACT PERSON NAME</u> Little Sandy Coal Co. Mark A. Saalman	
o. <u>CONTACT TELEPHONE NUMBER</u> 812-529-8216	r. <u>STREET ADDRESS</u> P.O. Box 16		
p. <u>CONTACT EMAIL ADDRESS</u> N/A	s. <u>CITY</u> Lamar	t. <u>STATE</u> IN	u. <u>ZIP CODE</u> 47550

V. RULE QUALIFICATION	
<p>The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.</p> <p>Does this facility meet these requirements? (please check one) <input checked="" type="checkbox"/> X <input type="checkbox"/></p>	
<p>Surface water runoff is influent to basins. Water treatment is incorporated as may be needed before discharge.</p>	

VI. QUALITY INFORMATION												
WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION	WATER QUALITY MONITORING LOCATION
001	001	38	15	47	87	04	22	No flow	undet.	Y (N)	Trib. Sugar Creek	
002	002	38	16	05	87	03	55	No flow	undet.	Y (N)	Trib. Sugar Creek	
003	003	38	15	52	87	05	14	No flow	undet.	Y (N)	Trib. Cup Creek	
004	004	38	15	49	87	05	04	No flow	undet.	Y (N)	Trib. Cup Creek	
011	011	38	16	20	87	04	07	No flow	undet.	Y (N)	Trib. Sugar Creek	
012	012	38	16	21	87	04	29	No flow	undet.	Y (N)	Trib. Rock Creek	
013	013	38	16	28	87	04	33	No flow	undet.	Y (N)	Trib. Rock Creek	
014	014	38	16	38	87	04	40	No flow	undet.	Y (N)	Trib. Rock Creek	
015	015	38	16	40	87	05	04	No flow	undet.	Y (N)	Trib. Rock Creek	

RECEIVED  
VIA EMAIL  
2/17/10

IV. CONTACT INFORMATION OTHER			
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u>	
		Little Sandy Coal Co. Mark A. Saalman	
a. <u>CONTACT TELEPHONE NUMBER</u> 812-529-8216		d. <u>STREET ADDRESS</u> P.O. Box 16	
b. <u>CONTACT EMAIL ADDRESS</u> N/A		e. <u>CITY</u> Lamar	f. <u>STATE</u> IN
		g. <u>ZIP CODE</u> 47550	
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u>	
		Little Sandy Coal Co. Mark A. Saalman	
h. <u>CONTACT TELEPHONE NUMBER</u> 812-529-8216		k. <u>STREET ADDRESS</u> P.O. Box 16	
i. <u>CONTACT EMAIL ADDRESS</u> N/A		l. <u>CITY</u> Lamar	m. <u>STATE</u> IN
		n. <u>ZIP CODE</u> 47550	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u>	
		Little Sandy Coal Co. Mark A. Saalman	
o. <u>CONTACT TELEPHONE NUMBER</u> 812-529-8216		r. <u>STREET ADDRESS</u> P.O. Box 16	
p. <u>CONTACT EMAIL ADDRESS</u> N/A		s. <u>CITY</u> Lamar	t. <u>STATE</u> IN
		u. <u>ZIP CODE</u> 47550	

V. RULE QUALIFICATION

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) ☒ YES X ☐ NO

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

Surface water runoff is influent to basins. Water treatment is incorporated as may be needed before discharge.

assembly, our research is now in progress on the PSi-OUTFURN.

[illegible]

**VII. OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following information if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

1. OUTFALL NO.	2. DNR BASIN NO.	3. DEL, ADD, or CHANGE	4. DATE OF CHANGE	5. REASON FOR THE CHANGE (EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTOR'S REPORTS, LAB DATA, ETC.)
005	005	DEL	11/09	will not be constructed by Little Sandy.
006	006	DEL	11/09	will not be constructed by Little Sandy
007	007	DEL	11/09	" " " " " "
008	008	DEL	11/09	" " " " " "
009	009	DEL	11/09	" " " " " "
010	010	DEL	11/09	" " " " " "

**VIII. TOPOGRAPHICAL MAP**

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

**IX. PROOF OF PUBLICATION**

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
  - (B) identify the interest of the person making the request;
  - (C) identify any persons represented by the person making the request;
  - (D) state with particularity the reasons for the request;
  - (E) state with particularity the issues proposed for consideration at the hearing; and
  - (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.
- Not published.

Any such request shall be mailed or delivered to:  
 Office of Environmental Adjudication  
 Indiana Government Center - North  
 100 North Senate Avenue, Room N501  
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

**X POTENTIALLY AFFECTED PERSONS FORM**

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached. No affected persons.

Please fill out this form in its entirety and submit it with the application.

**XI REQUIRED FEES**

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50, attach to and submit with application. Checks or money orders shall be made payable to IDEM.

**XII NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES**

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Quentin Mangum, DOR Inspector  
11-23-09

**XIII CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

David R. Foertsch, Vice President

812-529-8216

11/20/09

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251



087° 06' 00.00" W

087° 05' 00.00" W

087° 04' 00.00" W

087

LOCKHART

DELETE

LITTLE SANDY COAL COMPANY, INC.  
HILSMEYER MINE

VELPEN INDIANA QUADRANGLE MAP

SCALE: 1:24000

DISCHARGE POINT LOCATION  
- MINE BOUNDARY

087° 06' 00.00" W

087° 05' 00.00" W

087° 04' 00.00" W

0

